

Senate, April 1, 1998. The Committee on Environment reported through SEN. DAILY, 33rd DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING WATER DIVERSION POLICY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-375 of the general
2 statutes is repealed and the following is
3 substituted in lieu thereof:

4 (a) The commissioner may periodically
5 investigate and review those diversions which are
6 taking place pursuant to a permit issued in
7 accordance with sections 22a-365 to 22a-378,
8 inclusive. If he determines that there is any
9 violation of the terms, limitations or conditions
10 of the permit, he may suspend or revoke said
11 permit in accordance with the provisions of
12 chapter 54 or may request the Attorney General to
13 bring an action to enjoin such violation in
14 accordance with the provisions of subsection (a)
15 of section 22a-376.

16 (b) THE COMMISSIONER SHALL INVESTIGATE AND
17 REVIEW THOSE DIVERSIONS REGISTERED IN ACCORDANCE
18 WITH SECTION 22a-368. THE COMMISSIONER SHALL
19 PREPARE A REPORT FOR THE GENERAL ASSEMBLY WHICH
20 SHALL BE DELIVERED ON OR BEFORE JANUARY 1, 2000,
21 AND SHALL INCLUDE: (1) AN INVENTORY OF DIVERSION
22 REGISTRATIONS FILED ON OR BEFORE JULY 1, 1983; (2)
23 A DETERMINATION OF THE WITHDRAWAL QUANTITIES

24 ELIGIBLE FOR SUCH REGISTRATION; (3) AN EVALUATION
25 OF THE EXTENT TO WHICH SUCH REGISTRATIONS ARE
26 CURRENTLY IN USE OR ARE PLANNED TO BE USED BY THE
27 REGISTRANTS; (4) A SUMMARY OF THE APPROPRIATE
28 WITHDRAWAL QUANTITIES AUTHORIZED PURSUANT TO THOSE
29 REGISTRATIONS THAT SHOULD BE CONSIDERED IN
30 EVALUATING PERMIT APPLICATIONS FILED PURSUANT TO
31 SECTIONS 22a-368 TO 22a-378, INCLUSIVE; AND (5)
32 RECOMMENDATIONS FOR ANY LEGISLATIVE CHANGES
33 NECESSARY TO BALANCE COMPETING AND CONFLICTING
34 NEEDS FOR WATER EQUITABLY AT A REASONABLE COST TO
35 ALL CITIZENS AND TO EFFECTIVELY ALLOCATE THE WATER
36 RESOURCES OF THE STATE FOR PUBLIC SAFETY AND
37 WELFARE UNDER THE CONNECTICUT WATER DIVERSION
38 POLICY ACT.

39 Sec. 2. Subsection (a) of section 22a-368 of
40 the general statutes is repealed and the following
41 is substituted in lieu thereof:

42 (a) Any person or municipality maintaining a
43 diversion prior to or on July 1, 1982, shall
44 register on or before July 1, 1983, with the
45 commissioner on a form prescribed by him the
46 location, capacity, frequency and rate of
47 withdrawals or discharges of said diversion and a
48 description of the water use and water system. FOR
49 THE PURPOSES OF THIS SECTION, A DIVERSION SHALL BE
50 CONSIDERED AS HAVING BEEN MAINTAINED IF THE
51 INSTALLATION OF THE DIVERSION WAS INITIATED ON OR
52 BEFORE JULY 1, 1982, AND THE REGISTRANT PROPERLY
53 DEMONSTRATED AN INTENT TO USE SUCH DIVERSION. Any
54 such diversion which is not so registered may be
55 subject to the permit requirements of sections
56 22a-365 to 22a-378, inclusive.

57 Sec. 3. (a) There is established a task force
58 to study state-wide water allocation policy and
59 standards. The task force may develop a water
60 allocation methodology for a particular river
61 basin which may be based on (1) a determination of
62 the total water available in the basin, (2) an
63 analysis of the consumption of water by the
64 various users in the basin at current levels and
65 expected future levels, (3) a prioritization of
66 water resource needs within the basin which does
67 not adversely impact the current and future uses
68 of the river, (4) recommendations regarding an
69 appropriate amount of water to be allocated from
70 and for the river basin.

71 (b) The task force shall consist of the
72 following members:

73 (1) Two appointed by the speaker of the House
74 of Representatives;

75 (2) Two appointed by the president pro
76 tempore of the Senate;

77 (3) One appointed by the majority leader of
78 the House of Representatives;

79 (4) One appointed by the majority leader of
80 the Senate;

81 (5) One appointed by the minority leader of
82 the House of Representatives;

83 (6) One appointed by the minority leader of
84 the Senate; and

85 (7) The Commissioner of Environmental
86 Protection, or his designee.

87 (c) Any member of the task force appointed
88 under subdivision (1), (2), (3), (4), (5) or (6)
89 of subsection (b) of this section may be a member
90 of the General Assembly.

91 (d) All appointments to the task force shall
92 be made no later than thirty days after the
93 effective date of this section. Any vacancy shall
94 be filled by the appointing authority.

95 (e) The speaker of the House of
96 Representatives and the president pro tempore of
97 the Senate shall select the chairpersons of the
98 task force, from among the members of the task
99 force. Such chairpersons shall schedule the first
100 meeting of the task force, which shall be held no
101 later than sixty days after the effective date of
102 this section.

103 (f) The administrative staff of the joint
104 standing committee of the General Assembly having
105 cognizance of matters relating to the environment
106 shall serve as administrative staff of the task
107 force.

108 (g) Not later than January 1, 1999, the task
109 force shall submit a report on its findings and
110 recommendations to the joint standing committee of
111 the General Assembly having cognizance of matters
112 relating to the environment, in accordance with
113 the provisions of section 11-4a of the general
114 statutes. The task force shall terminate on the
115 date that it submits such report or January 1,
116 1999, whichever is earlier.

117 ENV COMMITTEE VOTE: YEA 23 NAY 0 JFS

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

FISCAL IMPACT STATEMENT - BILL NUMBER SSB 571

STATE AGENCY(S) Department of Environmental
Protection, Legislative Management

STATE IMPACT: Passage of this bill will increase costs to the Department of Environmental Protection (DEP) for FY 1999 and FY 2000. DEP is required to investigate and review exempt water diversions (exempt from the permit program) and report to the General Assembly by January 1, 2000. The DEP estimates that 2094 existing registrations (those exempt are registered with DEP) will need to be investigated in this time frame. An analyst, civil engineer and a part-time technician would be needed, costing approximately \$175,000 over the next two fiscal years.

Creation of a task force to study statewide water allocation policy and standards could minimally increase costs for Legislative Management due to the possibility of reimbursement for additional mileage expenses. It is expected that any potential cost can be handled within the anticipated budgetary resources of Legislative Management. In addition, any increase in the workload of the Department of Environmental Protection due to membership on the task force is anticipated to be accomplished within the routine activities of the agency.

* * * * *

OLR BILL ANALYSIS

sSB 571

AN ACT CONCERNING WATER DIVERSION POLICY

SUMMARY: By law, any water diversion maintained on or before July 1, 1982 is exempt from the water diversion permit program if the owner registered it with the Department of Environmental Protection (DEP) by July 1, 1983. This bill broadens the exemption to include diversions not in use by the 1982 deadline if (1) they were under construction and (2) the owners registered them before the 1983 deadline and properly demonstrated an intention to use them.

The bill requires the DEP commissioner to investigate and review such exempt diversions and report to the General Assembly by January 1, 2000. The report must include (1) an inventory of the diversions and the amount of water they may use, (2) an evaluation of the extent the diversions are currently in use or planned for use, (3) a summary of the extent to which the registered volumes should be used to evaluate new permit applications in the affected basins, and (4) legislative recommendations that equitably balance competing water needs at a reasonable cost to citizens and that effectively allocate water resources for public safety and welfare.

The bill also establishes a task force to study statewide water allocation policy and standards.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION**Water Allocation Policy and Standards Task Force**

The bill establishes a nine-member task force to study statewide water allocation policy and standards. It may develop a policy for a particular basin based on (1) the total water available, (2) an analysis of current and anticipated water consumption, (3) water need priorities, and (4) recommendations for the

appropriate allocation. It must report its findings to the Environment Committee by January 1, 1999 or earlier, at which time it will terminate.

The task force consists of the DEP commissioner or his designee and eight members appointed as follows: (a) two by the House speaker, (b) two by the Senate president pro tempore, and (c) one each by the House and Senate majority and minority leaders. They must make their appointments by October 1, 1998 and may appoint legislators. The House speaker and Senate president pro tempore must select chairpersons, who must convene the task force by November 30, 1998. The administrative staff of the Environment Committee will serve as the staff for the task force.

BACKGROUND

Water Diversion Policy Act

The Water Diversion Policy Act, passed in 1982, established a permit requirement for anyone wishing to divert 50,000 or more gallons a day. It exempted existing diversions if they registered with the DEP within one year. A new diversion must apply for a permit that includes a review of its effect on the watershed or basin considering existing diversions. Water diversions are anything that causes, allows, or results in the withdrawal from or alteration, modification, or diminution of the flow of water.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 23 Nay 0